App I IX—4

1955-57

File No Ar 53

Previous Reference

Serial Nos 26, 35 / 6
127 167, 214

Later References

MYSORE GOVERNMENT SECRETARIAT

Serial No Six
C-57

Part B for Dec 57

SUBJECT

Appeal against the disposal of Stall
No 18 Krishnarajendra Market
Bangalore City

WD 05150—GPB—35 000—18 10 56

L 13374 77 dated 20 12 57

To Commr CCB (Now the Mayor)
To Secretary Kolar Dist Govt
Co-operative Society
To Controller S A D
To Auditor

Rejects the petition

31/12/57

GENERAL AND REVENUE SECRETARIAT

NOTES

FILE HEADING

Appeal Petition

Sri Krishnamurthy, Secretary, Kodur Town Grocers Co-operative Society, Ltd Rajampet, K R Market Area City

No Dated No 18 Dept in Appeal S.K.C Dharwad 10-5-53

Diary No 1036 | Enclos. | Spare copies | Serial No

BRIEF ABSTRACT OF LETTER

Appeal against the disposal of Misc No 18 Krishnarajendra Market, Bangalore City, by the Commissioner C&R and requests to stay the disposal

NOTES AND ORDERS

Satisfied

Orders of the Minister I&C. & P.H
I&C Secretary, Can a Ry order be issued
Case & Petition pick up immediately

(Sd) T C -
11 5 53

27) Under Section 73 (1) of the Corporation Act of 1949, the Commissioner C&R Can lease any Corporation immoveable Property for a term not exceeding twelve months

NOTES—First Sheet

Wb—01429—GPB—5 000— 20-10 52

Appeal against the lease of Shop no. 18 K.R. Market, B City

File No 1036/one of 195 | General and Revenue Secretaria

He may lease for any term not exceeding three years non the Commissioner of the Standing Committee with the Commissioner of the Corporation, the Commissioner may lease or sell or otherwise dispose of any Corporation Property movable or immovable

An appeal shall lie to the Standing Committee against any order or action or order issued by the Commissioner under Section 386 of the Corporation Act. The appeal lies to the Standing Committee against the action taken by the Commissioner under the Provisions of the Act or under the Bye-laws and Rules that may be made appealable by Rules under Section 365 (Section 386 (1) F) There is no Provision for the appeals to Government Sections 43 to 47 of the Corporation Act confers empower Government to call for records There is no Provision empowering Government to stay the action of the Commissioner etc for orders with reference to para 1 supra

12/5 Mc 12/5

4) The petition presented by the Advocate Sri P Seetharamiah on behalf of the petitioner does not indicate under what section he has presented this

petition and requested orders of Government for a stay Secondly the copy of the order passed by the Municipal Commissioner is not enclosed to know what exactly the contents of the order are The application itself is thus very defective Government have to depend entirely upon the petition and come to a decision It seems rather unsafe to issue any stay order on such defective petition

(5) The second point that has to be considered in this connection is ~~that~~, whether the Commissioner has got powers to lease the stalls He has powers to lease up to a period not exceeding 12 months provided he intimates his orders of lease to the Standing Committee within 15 days In this case it is not known whether the period of lease was for one year or above one year up to three years, or above three years If the lease is for the period exceeding one year then the Standing Committee and the Corporation will have power to approve it and not the Municipal Commissioner This point has not b noted in the petition

(6) - Under Section 47 of the Corporation Act, Governme have power to repeal or modify any resolution or byel It refers to any resolution of Standing Committee or Corporation It does not mention about the cancellat of the order passed by the Commissioner Therefore Government cannot interfere at this stage when the Commissioner has passed an order It is left to the party to go in an appeal to the Standing Committee as

Appeal against lis lease of Stall no 18 KR Market Bangalore

File No 1030/one of 19

Mysore Government Secretariat

Serial No

required by Section 386 (1)(a), (ii)(f) The resolution of the Standing Committee may be cancelled or modified by the Government under Section 47 (2) When a resolution is passed either by a Standing Committee or Corporation, then the Government can issue a stay order because Government have powers to cancel the resolution of the Standing Committee or the Corporation

Section 313 (2), details the circumstances under which a person may be stopped from selling his goods in a public market The petition does not state under what section or byelaw, the Municipal Commissioner is taking action If he had stated the circumstances, then we could have verified whether the violation has been in respect of any Byelaw or Resolution If there had been any violation of a resolution or a byelaw, then Government could have interfered and questioned the order of the Commissioner which was contrary to any byelaw or resolution and Government could have issued a stay order As these details are not found in the petition, it is not desirable to issue a stay order

3) The entire records may have to be called for and examined

Secy (Dev & Agy) 9) 20/5/75

Xxx 23/5

2762 20 MAY

WD 0,074—GPP—80 COC—5 10

Appeal against the lease of Shed No 18 K.R. Market Corporation

[App F III 2

Mysore Government Secretariat | 1030/ME File No of 195

Serial No

10) Draft letter is perhaps
Re 2015 Mc 25/5 —

11) - Issue
26/5

&

one Carbon Copy
of 2038/CN 44-55-35 dt 28 5 55
Calls for occasional a Report

12

Room noted as per orders above - Ref
Re 2015 Mc 25/5 para

13) Action taken may perhaps be
perused by the Hon Minister (Rep) Para
30/5

Secy Edn & Dev

14)

Inf & personal & secretariat
marked the papers at para 9 to the
Minister H&C - Request the action -
The Asst Secy attached - Carbon have
been sent to Secy Home

Minister H&C)

15)

OFFICE OF THE MINISTER FOR HEALTH & LOCAL SELF GOVERNMENT
- 1 JUN 1955
No 1219

3324

3 JUN 1955

NOTE — Contn sheet

SnA
6/6

Appeal against the lease of Shale No. 18 K R Market Bangalore

File No 103/Mis/3312 of 1956

Mysore Government Secretariat

Serial No

16) Reminder is put up by Mr. Nos 3/7 3719 or 6755 Reminds. — 6/7

The Commissioners Cob Lr No A3 RR 386/55-56 dated 8.8.55 forwarding the Records

18) Kadur Fruit Growers' Society appears to be the lessee of Shop No 18 K R Market Bangalore It is stated by the Commissioners Cob that the Secretary of the Society orally informed the Market Superintendent on 20-2-56 K R Market to the effect that the Society has closed business and that they have no connection with the Shop No 18 leased to the Society On this ground and on seeing that the shop is sublet to Mr Muniyappa who was found doing business in that shop by removing the Name Board, Kadur Fruit Co-operative Society the Commissioners Cob

D.074—GPP—80 000—5 10

5312/ord

Lease of 82Sp NW 18 K R Market appeal by Kodam Fruit Cooperative Society

has Cancelled the License on 11-3-55 as subletting is Contrary to the terms of lease

This order has been appealed against by the Secretary of the Society on the following grounds — Thyb advocate Sri K C Sitaramiah

1) That the petition is on Possession since 1938
2) That the lessee has not Violated any Rules
3) That the 82Sp has not been sublet
4) That the Co employee the Society has been directed to deal on business and this does not offend the Rules
5) and therefore action of the Commissioner CCS is ~~arbitrary~~ arbitrarily

The Commissioner has Cancelled the license on 11 3 55 The President of the Society Contended/that 5-4-55 he has not received the Show Cause notice issued to him by the Commissioner A copy of the notice has been sent on 13-4-57

~~The Lessee license has been Cancelled on 11-3-55 knowing that the President has not received the Show Cause notice~~

4) The notice issued on 18-3-55 23-2-55 to the President of the Society, has been received then the

Lease of Stall No 18 K R Market appeal by the Sembuy Kodiu Cooperative Soc Ltd

Respondent has erred in not keeping with the Presented hire Men he has ground for appeal against the Commissioners order How the ~~letter~~ notice was sent and how the same has not been terminated is a matter of doubt For orders with reference to Para 9 & 15 Appeal

No 30/8

22) The Commrs may perhaps be requested to state whether the show cause notice dt 22/2/55 was duly served on the society and if so, whether its receipt has been acknowledged by the concerned authority

Mg 1/9

23) The Caseworker requested to note the points urged by the Lawyer and the reply given by the Commr on each point

6/9

24) Points urged by the petitioner thro his Counsel

That he has been and is possession of the Stall No 18 several years and the agents locally managing the affairs Arrangements to remit rent regularly to the Corporation have been regular and the shop premises is in his possession since 1938

Replies given by the Commrs

The Report of the Com is silent about this & does not say how long the petitioner has been in ~~charge of~~ possession of the Shop No 18

It has reported that a sum of Rs 137-4-0 was due from him being the license fee from Nov 54 to Feb 1

Leave I shall NO 18 K K Markets.
Appeal by the Secretary, Kodur Co-operative Societies

2) He has not done any act to contravene the rights of lessor much less any act that could affect the rights of a lessor

The Commissioner is of the view that the petitioner has committed an offence under Section 313 (2) of the Corporation Act (please see para 5 of the letter dated 8.8.55 and that I am satisfied as the action taken by him is just

3 He is not in arrears of rent and there is no valid reason for the Commissioner to have acted arbitrarily and to have directed the subordinate staff market superintendent Krishnarajendra Market to take away his own boards and to dispossess of the said shop, premises in which fruit vending as foreseen and that he has never at any time failed or made a wrongful sum of any rent of the said premises

The report reveals that a sum of 197-4-0 was due on the said shop being the license fee from Nov 1954 to Feb 55
The Commissioner states that the cancellation of the license from the name of the Society and eviction of the unauthorised occupant is justified in view of the facts stated at A in para 3 of the petition and that the version of the Society at this stage that Sri Thimmappa is their Agent Commission agent is not acceptable

4 He submits that the fruit vending business permitted by him has nothing to do with the Corporation and the Corporation authorities have falsely attempted to make out a case as though

The acts of the petitioner are proved contrary to the provisions of the Act —

3312/one

Lease of Shop No 18 K R Market, Appeal by the Secretary, Kadur Cooperative Bank

The petitioner has relinquished his rights in the Shop

S/Sh submits - That there was no termination of tenancy as required under the Municipal laws and every act of the Corporation on his behalf as highly illegal unsustainable and detrimental to the very interest of the petitioner

It is justified that the action taken by the Mn Comm is according to laws

The petitioner who is dealing in perishable fruit stuffs has cheated his ex-employees, dealt in business and tendered threats to the Comm This no wrongful act of any kind has been done by the petitioner

The Version taken by the Secy is not acceptable at this stage

In these circumstances he requests to allow the petitioner to continue possession of the stall shop under reference and also pending decision of the Case a stay order may be issued

The Comm has stated that the shop was allotted to one Smt Gouri Rudrappa who was the only applicant who applied for the shop in due time

The action of the Comm is quite clear and the circumstances warranted for the cancellation

Vodur ...No.

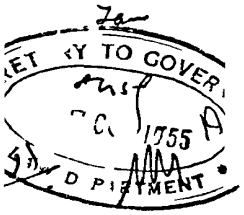
The report of the Commissioner dated 8-8-55 gives the facts of the case in detail From the records, it is seen that the Societ was the defaulter to the extent of Rs 197-4-0 towards rent and light charges (vide note issued to President of the Podur Co-Operative Society page 7 of the file flag "F The Society has sent on 26-4-55, stating as follows :

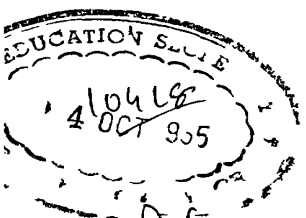
It is a fact that of-late we are not properly functioning our business owing to circumstances which we need not enter here

We intend to revive our concern shortly

bject of its revival which will be known in a couple of months, we will at once intimate you and hand you over the buildings as desired by you "

And thus it was clear that Podur Co-Operative Society had closed their business and one Munivappa was the unauthorised occupant of the Stall The action of the Corporation authorities in evicting him and re-alloting to one Srimathi Girija Rudraiah is in order But the order is defective because the period of lease has not been mentioned in the order The Commissioner will have to be instructed under Section 45(b) of the Corporation Act to fix the lease period within one month positively





Secy Edn & Leg 3/10

28/ A = Serial No Remarks

Law Secy B 6/10

Municipal Corporation Act

4 & 55 - Vol II

Wb 20/Law 3312/42

Law Tel no 18 B'lore Copies Planet

31) It not clear what point of law
Spencer requires; the act with
regulations to clarify and specify the
same 30) The exact provision of law which
is stated to have been violated and
in respect of which action is proposed
to be taken by Govt under S 45(a)
may ought to be indicated

AMA 8/10

As they Meet 8/10

31) The point on which Law Opinion
was called for as to whether the provisions
of Section 45(b) of the Corporation Act
can be made applicable in the Context
of the Case and whether at present
~~Legally and Correct~~ in force

32) As the ~~law~~ of the Courses
C C & is defective in that
no period of lease is fixed,
action is proposed to be taken
under Section 45 of the Act
to have it corrected Please see
Section ~~45~~ 45 ~~(b)~~ of the Act which
appears to be the appropriate in this
case

32)a) 17/10

Mg 11/10 Asst Secy
18/10/10 Law

33) The point raised at Parade
. been answered by the ad. Secty

3312/14

Appeal against the Lease of Hall no 18 13
K R Market Bangalore Corporation

U806
Lawsuits

S 46 of The Corporation Act empowers
Govt to direct the taking of action
by the Corporation a) where any duty imposed
on any Municipal Authority under the
Act has not been performed or
has been performed in an improper
manner or b) where adequate
financial provision has not been
made for the performance of any
such duty In the present case,
the proposal is to direct the
Commr to fix the period of lease
It is not clear how the mere
non mention of the period of
Attracts either of the said Clauses
so as to call for Govt intervention
(In such cases a presumption is raised as to the duration of the lease
If a Specific period is considered
Necessary to be fixed for the lease
this may be done by Settlement
between the parties The intervention
of Govt under S 46 is neither called for
nor appropriate

18/10 Lawsecy)

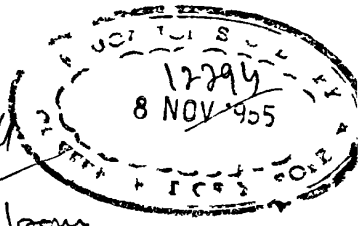
SECRETARIAT GOVERNMENT
APR 11
1995
LAW DEPARTMENT

3e) Legal opinion on similar point has been
a) expressed by the Law Secretary in file bearing
Diary No 4603/Law - 3091/ 1 , which has been
returned to the Municipal Branch today The
present case also appears to come within the
purview of sections 106 of the Transfer of Property
Act If the matters are covered by sec 106
of the Transfer of Property Act, there will be

Appeal against the lease of Shell of NO
K L
3312 Bangalore corporation
4809/Cases

no question of interference under sec 45 of
Bangalore Corporation act

Secy (Lands)



35) Prepare relevant extracts from
the Similar Case referred to at
A

D
9/11/55

36) Extract from the minutes of the Law Secretary on file bearing D No 3371/ML/4623/Law

The administrative Secretariat may kindly consider whether the period of the lease in question cannot be deemed to have been covered by Section 106 of the Transfer of property Act The Advocate for the Corporation who will, perhaps, have been consulted in the matter may be able to throw some light on the point I am not quite sure whether this is a case in which recourse could properly be had to Section 43 of the Act However, it may be ascertained whether necessary steps will be taken for getting fresh lease deeds executed

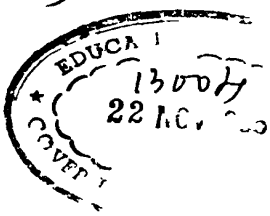
Itd M S
5/11

5/11/11

Mr 11/11 37) For Personal (Refer to Para 35)

Secy (Lands)

19/11



38) Chairman may please
Consider whether the Opinion
of his legal adviser

D
28/11/55

1030 | 3312/ore | 8726

Appeal – Lease of Stall no. 18 K R Market

Draft letter is put up 7718 Laws 56

30/4 Mrs L/12

(41) Draw Sgn

The Commissioner calls
L 11157/CM 4-53 129 dt 9 12 55
Calls for further Report

DA 9/V

From The Comr e.c.o. letter no A3 pr 386/ST-56 dated 27/1/56 forwarding a report in the matter

The Corporation Advocate has opined that the lease is not covered by Transfer of Property Act but by Sections 312 and 313 of the Corporation Act for orders with reference to bars 36 & 38

9/7 Mrs 4/2 9/7 0856

(42) This may be referred to Law Dept

Secy (Edn & Lds) 8/2

43) for remarks see para 36 12/2/56

Labour)

for MLR 15/2 Kind attention - invited to para 34 and 36 supra & stated that a fresh lease deed has been obtained from the party. But there appears to be no need to depart from the view already expressed in S.L.S (6) does not appear to empower to be effective taking action as suggested the element

7718/Law 3312 5 8128/Mtg

Appeal against the refusal of Bhakali no 18 K R Mankad
Bauxite Corporation

of lease not taken away as S 313 (2)
of the B'Con Corporation Act itself mentions
the same and was Concluded as such
amounted to attract the provisions of the
Transfer Property Act

Lawsecy)

45) Secretary - (S G)

22/2/56

22 FEB 1956

41) The Lease Statement is for kind perusal
and orders with reference to para 43 supra

28/2
Ms 1/3

47) As lease deed has been executed by the Party,
interference by Govt may not be necessary
As a lawyer has appeared in this Case it may
be necessary to hear the party & dispose of the
Case

12/3

Secy Edn (supra)
48) A may be done

Minister (Secy)
49)

43 SR

4 4 56

EDUCATION L&LS
1905
13 M

FOR
6010

Appeal against the refusal of Hall No 18 K-H
Bangalore Cantonment

51) You kindly give a date for hearing the party as per orders on paras 47 to 49 supra 51) 18/5

P A to the Minister for P H & Lsg

16/4/56
PT Mr 18/4

53) Maybe posted to 8th May 1956 at 10 am

Bo
28
PA (T) 5/56

At M1

1/5)

53) Notice ordering the party to appear before the Minister for P H & Lsg at 10 am on 9-5-56 (and not 9-5-56) as per latest instructions as put up by appeal

1/5/56

Issued No L 22243 dated
party through his Counsel
& Counsel B
informing the hearing date

Notice L 22285/dated 2-5-56
to the party & Counsel B
re date of hearing

54) This may kindly be referred to the
P A to the Minister for P H & Lsg

Mr 30/5

P A to the
Minister for P H & Lsg
The Counsel wants/wants
May be posted for
for reasons stated

31/5

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT
18 APR
No 332

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT
1 MAY
No 580

5126/56

Appeal against the decision of the Licensing Board in refusing to grant the licence of Shri K. P. Ka

Bangalore Corporation

56) May be posted for hearing, since Sri Seetharamaiah, Advocate has promised to produce the licence and rental receipts

9/6/56

OFFICE OF THE ... STATE PUBLIC HEALTH ... TO IL SLR GO ... ENT 18 JUN No. 1212

57) May be posted to 20/6/56, 2 P.M.

To Shankaranarayana (Assoc., ML)

14/6

58) Notices are put up 16/6

H329/dated 16/6/56 to parties Sends the hearing notice

59) The may kindly be referred to the P.A. to Hon. PH & D 18/6

18/6/56

60) P.A. to the Minister for P.H. & T. Dept.

Notices informing the postponement are put up for 1 o'clock

18/6

61) 18/6

H 4929/ dated 18/6/56 to parties postponed

Lease of Stall No 18 KR Market-Batt
8126/ml

63) Submit proposal and orders as to the next date for hearing

64) 13/8

13/8 M 13/8 P A to Hee
Minister for PH & L S G

13/8/56

65) Play please be posted to 3rd Sept 1956 Monday

V Shankarappa
Dy 24/8
Asstt Secy, ML)

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL-SELF GOVERNMENT
20 AUG
No 2398

24/8/56

8956 57 / dated 27 8 56

To the parties
Intimation of the date of hearing on 3-9-56
at 11 P M

66) If appd, This file will be sent to the office of Hon L S G on the date of hearing on 3-09-56 has been informed to the concerned parties

30/8

67) Hg on 3/9/56

30/8/56

P A to Hee
Minister P H & L S G

68) Adjourned Hearing Please be posted to 11 9 56, Tuesday 2pm

Lease of Stall No 18 KR Market
Beef
8126/me

Notices are prepared for issue
2
3/9

10) Issue

3/9/56

To ~~The~~ Sri Krishna Moorthy /also Sri
K C Seetharamiah, B A, LL B Bdr
Issued vide L9426-27 dt 4/9/56

Copy to ~~the~~ PA to L-S G Mundlapur

Now file will be sent to the office of the
Asst L S G, as the notices have been
issued to the concerned parties

5/9 11) Hearing on 11/9/56 at 2 PM

Pers Asst - 10
Minutes in PH & LSG 5/9/56

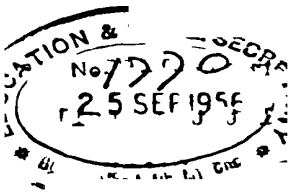
GOVERNMENT
No 2426

3) Heard the learned Counsel for the petitioner and also the Commissioner, Corporation, ~~Commissioner~~ of Bangalore on 11th September 1956 The petitioner was the tenant of Stall No 18, Krishnarajendra Market, Bangalore, and was paying the fees to the Municipality for the use of the above stall The records disclose that the Secretary of the said Society orally informed the Market Superintendent on 20th February 1955 that they had closed their concern in Bangalore and that they had no connection with the Stall No 18 where they were doing business before One Sri. Muniyappa was found doing business in the shop unauthorisedly without the permission of the Municipal authorities removing the board "Kodur Fruit Co-operative Society" Show cause notice was issued to the Society authorities and also to Sri Muniyappa and no reply was received from them. Further, the petitioner Society was also a defaulter in not paying license fee amounting to Rs 197-4-0 for the period from November 1954 to February 1955 As the Society was not doing any business and had sub-let the Stall unauthorisedly to one Sri. Muniyappa and as he was a defaulter, the Commissioner cancelled the license in the name of the Society under Section 313 (2) of the Corporation Act and notified the vacancy The unauthorised occupant was evicted on 28th April 1955 and the stall was allotted after due formalities to one Smt. Sirija Rudraiah who has executed a fresh lease deed and she has occupied the stall on 2nd May 1955.

The contention of the petitioner Society that they were not in arrears of fees, that their Ex-employees were permitted to carry on the business on behalf of the Society and that they had never at any time sublet the stall cannot be accepted in view of the fact that they have stated in reply to the notice issued that they were not properly functioning their business and that they intend to revive their concern shortly at Bangalore and that in case they fail in their object of its revival which would be known in a coup of months they would at once intimate and hand over the buildings.

Subject: Lease of stall No.18 - K R Market, Bangalore City 8126/55-6

(3) It is quite evident that the Society was not doing any business and had sublet the stall unauthorisedly without the permission of the Corporation to one Sri.Muniyappa who cannot be recognised as their agent As the terms of the license were violated by the petitioner Society the Commissioner has rightly taken action to cancel the license and evict the unauthorised occupant under Section 313 (2) of the Corporation Act As the stall has been allotted to another person after observing the formalities and as the new lessee is in possession of the stall since 2nd May 1955 this is not a fit case to reverse the orders of the Commissioner, Corporation, Bangalore. The petition is therefore rejected. The petitioner Society may be allotted another stall in preference to others when a vacancy arises in future.



Lease of stall no 18 - K R Market
Bangalore city

81/86/mel 55-56

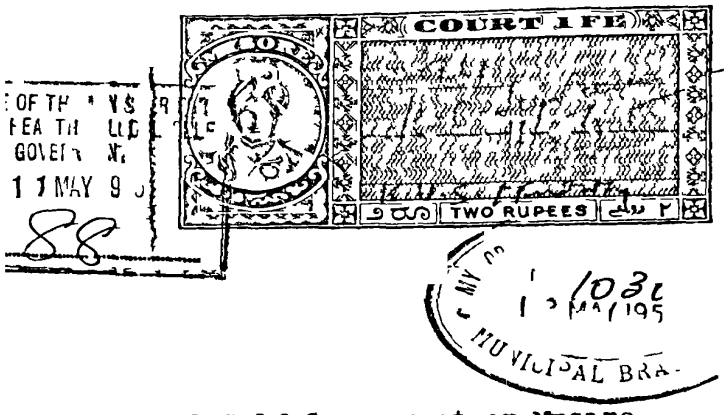
Commissioner, Corporation of Bglre
Secy Kodur Fruit Growers
Co-operative Society
Cavalier
Auditor, Corporation of Bglre

L 1337-77/CM4-55-2404
dt 20/12/56

Directs Society Stall when future

Rejects the petition that the petitioner be allotted another preference to others vacancy arises

B3



Before the Minister for Local Self Government in Mysore

Bangalore

Cn 4 55 26

Petn No /1955

Petitioner

Krishnamurthy
Secretary
Kodur Fruit Growers Co-operative-
Society Ltd Rajampet
No 18 Krishnarajendra Market
Bangalore City

Vs

Respondent

The Commissioner Corporation of the Cit of Bangalore

LSG Secy
Can a stay orders be issued in this case ?
Please find up immediately

In the matter of Disposal of Shop premises No 18 Krishnarajendra Market Bangalore Cit

11/5/55

11 MAY

The Petitioner hereby submits this appeal as against the orders of the Respondent in the matter of disposal of the abovesaid premises Viz 18 Krishnarajendra Market Bangalore Cit

2 That the said Petitioner has been and is in possession of the said shop premises for several years and the agents are locally managing the affairs Arrangements to tender rent regularly to be the Corporation have been regular and the shop premises is in his possession since 1938

3 The Petitioner has not done any act to contravene the rights of a lessee much leass any act that would affect the rights of a lessor It is submitted that the respondent under the influence of a few interested Councilors has arranged to take over

the premises and to effect a fresh allotment to some person in view

4 The Petitioner is not in arrears of rent and there is no valid reason for the respondent to have acted arbitrarily and to have directed the subordinate staff Market Superintendent Krishnarajendra Market to take law into his own hands and to dispossess the petitioner who continues to be in lawful possession of the said shop in which fruit vending is going on The Petitioner's ex-employees were permitted to be in the said shop for and on behalf of the Petitioner and the Petitioner has never at any time sublet or made a wrongful gain of any rent of the said premises

5 The Petitioner respectfully submits that fruit vending business permitted by the petitioner has nothing to do with the Corporation and the Corporation authorities have falsely attempted to make out a case as though the petitioner has relinquished his rights in the said shop

6 The Petitioner respectfully submits that his respect would be at stake in the co-operative field if arbitrary action is taken to dispose of the shop to a third party when actually the petitioner is rightly and lawfully continuing as a tenant or as a lessee in the said shop There was no termination of tenancy as required under the Municipal law and every act of the Corporation in this behalf is highly illegal unsustainable and detrimental to the very interest of the petitioner

7 The Petitioner who is dealing in perishable fruit stuffs has directed his ex-employees to deal in business and to tender rents to the respondent This has

been duly done and no wrongful act of any kind has been done by the Petitioner

In the interest of justice and quity the Commissioner Corporation of the City of Bangalore be directed to stay any further action in respect of allotment of the said shop and he may also be directed to allow the petitioner to continue possession with the said shop pending disposal of the petition A stay order may kindly be issued directing the Commissioner Corporation of the City of Bangalore to stay his hand in the matter of allotment of the said shop He also prays that an order may kindly be passed by this Hon'ble Office to the effect that he is entitled to be in possession of the shop under reference

Bangalore

Dated 11-5-1955

K R Seetharamaiah
Petitioner's ADVOCATE

From

THE MADURA FRUIT GROWERS CO OPERATIVE SOCIETY LTD W 250

RAJAMPET (CUDDAPAH DIST

To The Railway Superintendent

S. R. Railway

Bangalore 4

RAJAMPET

Date 26 4 55

Ref Sir,

Sub Information - regarding Sub Delivery Con Sheds No 18 to Rly Receipts - Thereby of

Ref Your M+E 1784/54-55 of 13 4 55 received by us on 25 4 55

With reference cited, we have sub-let Con Shed No 18 to Rly Receipts Bangalore we have temporarily arranged to receive Seed locally and we hope that you can give the Rly receipts after seed upto now

We bring to your kind notice that we are your largest shipper (Seed) and we have not given any room for complaint so far in our dealings with you

We wished to receive our Concert Shortly and ...
as a fact but of late we are very busily
[illegible] owing to circumstances
which will need not enter here

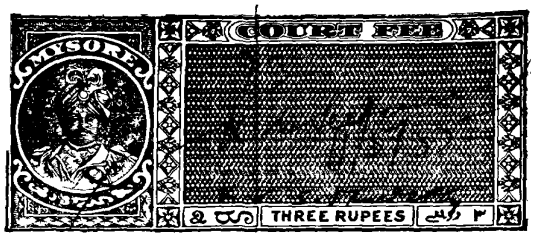
In case we fail to our Object
which we will be known as a Couple of
Lunatics, we will always remember your Name
kindly & we will always be pleased to
hear from you

We beg to remain

Cordial

Members of the Corporation

[illegible]



In the Court of

No 195

Plaintiff/Appellant/Petitioner Decree Holder/Claimant Complainant	Defendant/Respondent Judgement Debtor Accused
T B Krishnamurthy Secretary Kodur Farm Employees Co operative Society No 201/8K Krishnarajapuram Bangalore	Vs Ltd Lakshmipur Kadapa Dt Bangalore city

1 I/We [illegible] *above named do by these presents retain*

Sri [illegible] Advocate Secretary BCA

to appear and conduct the above case on my/our behalf to judgment

2 I/We further empower him/them to appear plead file petitions enter into compromise and do all necessary acts in the above case to execute any decree or order that may be passed in my/our behalf to prefer an appeal from any order judgement and to receive from the Court all the documents refunds and all sums of money that I/We may be entitled to get and grant receipts therefor and to effect compromise or settlement

3 I/We also undertake to confirm and ratify all the acts done by any of the said Advocates or by any other Advocate or Pleader on his/their behalf in so doing

4 I/We further agree that if I/We fail to pay the fees agreed upon or to give due instructions at proper stages he/they is/are at liberty to retire from the case and recover all dues due to him/them and retain all my/our papers till such dues are paid

Place Bangalore

Date 10/9/1955

Personally known to me and Signed in my presence

Satisfied as to identity of Signature of Executant

Accepted

Advocates for

Sold at The Bangalore Legal Practitioners Co operative Society Ltd Bangalore 2 Date

Appendix F G—1]

SUBJECT Appeal petition dated 11-5-53 from the Kuthiramalika Society, Kodiwa Joint Growers Co-operative Society, Stall no 18 KR market, Blore, against the disposal of stall no 18

Section Cdy

File No 4-53

Serial No 35

Diary No of letter replied to 1080

No L 2038/E/ 25-5-53

To The Secretary CCB Kalpetta

Sir

In forwarding herewith a copy of the above petition, I am directed to request you to be so good as to forward the connected records together with a report touching the points raised in the petition thus may kindly be treated as urgent.

Yours faithful

Asst Secy

General and Revenue Secretariat

( )

the 19

Date of issue

Signed by

(Type copy)

List of enclosures

Copied by

Examined by

WD 06818—GPB—25 000—9 7 49

Ag 28-5

L 2038/ELM 4-53-35

The Education & L S G Departments

To

The Commissioner,
Corporation of the City of Bangalore
thro' the Mayor

Sir,

Subject Appeal petition dated 11-5-55 from Sri Krishnamurthy, Secretary, Kadur Fruit Growers Co-operative Society, Stall No 18 Krishnarajendra Market, Bangalore, against the disposal of Shop No 18

In forwarding herewith a copy of the above petition, I am directed to request you to be so good as to forward the connected records together with a report meeting the points raised in the petition. This may kindly be treated as urgent

Yours faithfully,

(P A Meccai)
for Secretary to Government
Education & L S G Departments

knr-2/26 2

CORPORATION OF THE CITY OF BANGALORE

No A 3-P R 386/55-56 CORPORATION OFFICES
BANGALORE
Dated 8th August, 1955

FROM

C CHENNARUDRAIYA B A M Sc.
COMMISSIONER
CORPORATION OF THE CITY OF BANGALORE
BANGALORE

To

THE SECRETARY TO THE GOVT , OF MYSORE,
Education & L S G Departments,
Bangalore

SUBJECT - Appeal petition dated the 11th May 1955 from Sri Krishna Moorthy, Secretary, Kodur Fruit Growers' Co-Operative Society, Stall No 18, Krishnarajendra Market, Bangalore, against the disposal of Shop No 18

Ref - Your letter No L 2038/C M 4-55-35 dated the 28-5-1955

With reference to your letter quoted above, I write to state that the statement made in the appeal petition about arbitrary action in spite of regular payment of rent is not true to facts as will be seen from the report furnished below -

The Secretary of the Kodur Fruit Growers' Co-operative Society orally informed the Market Superintendent on 20-2-1955 that they have closed their concnern in Bangalore and that they have no connection with shop No 18, Sri Krishnarajendra Market Frontage where they were doing business One Sri Muniyappa was found doing business in the shop unauthorisedly, removing the Board of "Kodur Fruit Co-operative Society" A show cause Notice was issued to the Society authorities as well as Sri Muniyappa on 23-2-1955 To this no reply was received Further a sum of Rs 197-4-0 was due on the said shop, being the license fee from November 1954 to February 1955 In the circumstances my predecessor in office Sri K Benjerappa cancelled on 11-3-55 the license of the shop standing in the name of Kodur Co-operative Society on the charge of sub-letting the shop to one Sri Muniyappa and passed orders to notify the vacancy

The Commissioner's orders cancelling the license was also

also communicated to the President, Kodur Fruit Co-Operative Society whose office is at Rajampet In the meanwhile, they p the entire arrears and sent a letter dated 5-4-1955 stating th the notice dated the 23-2-1955 was not received by them etc copy of the notice was sent on 13-4-1955 to the President of Society with a request to hand over the shop at once, which wa received by the Society authorities on 25-4-1955 On 28-4-195 action was taken to evict the unauthorised occupant Sri Muniya and the possession of the shop was taken over by the Market Superintendent under a Mahazar The same day a further letter dated 26-4-1955 was received from the Secretary of the Society wherein it is stated "it is a fact that of late they are not properly functioning their business owing to circumstances whi need not be entered in the letter Further it was stated that they intend to revive the concern shortly at Bangalore and in case they fail in their object of the revival which would be k in a couple of months, the shop would be handed over to the possession of the Corporation at once "

4) On 29-4-1955 the shop was allotted to one Sri Girija Rudraiaha who was the only applicant who applied for the shop due time in response to the Notification of the vacancy and calling for applications

5) It will be seen from the above letter of the Secretary of the Society that the Society was not doing business in the sho and had sub-let the same to one Sri Muniyappa In the circumstances, the cancellation of the license from the name of the Society and eviction of the unauthorised occupant is justified under Section 313(2) of the Corporation Act The version of t Society at this stage that Sri Muniyappa is their agent cannot be accepted Since the shop was re-allotted after due Notific tion of the vacancy and calling for applications, there is no influence of any Councillor in this matter as alleged in the appeal petition

6) The entire file of papers are herewith sent as desired

contd

as desired for kind perusal and return

Yours faithfully,

(V P DEENADAYALU NAIDU)
MAYOR

(D R CHENNARUDRAIYA)
COMMISSIONER

8/8/53

SVR/4

Appendix F G —1]

SUBJECT Proposal to lease of Stall No. 18 K R Market, Bangalore

Diary No of letter replied to 5189

Mysore Government Secretariat

( )

the 195

Date of issue

Signed by

Section CY

File No 4-55-127

Serial No +

No L 11157 Dated 9-12-55

To The Commissioner Civil Supplies & Ex-officio Secretary to Government

Sir

Ref: Your letter No. A3 PR 386/55-56 dated 8.8.55

With reference to the above, I am directed to examine whether the lease of Stall No 18 K R Market cannot be deemed to have been covered by Section 106 of the Transfer of

to request you

List of enclosures

Copied by

Examined by

WD 0257—GPB—P Z S —1 20 000—6 6 55

Personally ~~do not~~ I am to request you kindly to favour your opinion early in connection with the Corporation Advocate

The corporate Advocate may be consulted on this point before reply is sent

I am also to enquire whether necessary steps will be taken for getting fresh leases deeds executed

Mrs

The papers are returned herewith for reference & retransmission

Y/F

Ad 5/12

Prof Leedy
Edn Hqrs

Mrs

CR-4-55-129

AD I 11157 /W/R
D 9-12-55

The

Education & L S G Departments

The Commissioner
Corporation of the City of Bangalore,
(thro' the Mayor)

Sir,

Subject - Appeal against the lease of Stall No 18, K R Market, Bangalore

Reference - Your letter No A3 P R 386/55-56 dated 8-8-1955

***

With reference to the above, I am directed to request you to examine whether the lease of Stall No 18, K R Market, cannot be deemed to have been covered by Section 106 of the transfer of Property Act The Corporation Advocate may be consulted on this point before a reply is sent I am also to enquire whether necessary steps will be taken for getting fresh lease deeds executed

The records are returned herewith for reference and retransmission

Yours faithfully,

(V Hanumanthappa)
For Secretary to Government,
Education & L S G Departments

HGN 2/7 12

CORPORATION OF THE CITY OF BANGALOR

No A3 Pr 386/55-56

CORPORATION OFFICES
BANGALORE
Dated 27th January 195 6.

FROM
THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

27 JAN Prm
To
GOVERNMENT OF MYSORE

CM 4-55-187

The Secretary to the Government of Mysore,
Education and L S G Departments,
Bangalore

SIR,

Subject Appeal against the lease of stall No 18, Krishnarajendra Market, Bangalore

Ref Correspondence ending with your letter No L 11157/C M 4-55-127 dated 9-12-55

With reference to the correspondence quoted above, I extract below the opinion of the Corporation Advocate with which I agree

Under the Provisions of the Corporation Act the occupants of stalls are only tenants and what they pay is by way of "fees" for the uses of the stall or for the right to expose the goods for sale This is as per Section 312 of the Corporation Act Section 313 (2) of the Act provides that any person who defaults in payment of the fees or who sells or exposes for sale any article without the permission of the Commissioner may be summarily removed There is no relationsh of landlord and tenant and as such the provisions of Section 10 of the Transfer of Property Tax do not apply"

The Revenue Officer reports that fresh lease deed have been got executed by the licensee ~~xxxx~~ Smt Girija Rudriah

The records are retransmitted as desired

Yours faithfully,

(M Krishnappa,)
MAYOR

(D R Chennarudraiya)
COMMISSIONER

27/1/56

TNL/-
25/1/56

GOVERNMENT OF MYSORE

GOVERNMENT OF MYSORE

L 2243

Mysore Government Secretariat

Dated Bangalore 1-5- 195

ENDORSEMENT

Petitioner:	Respondent
Sri K-ishnamurthy Secretary, Kolar Fruit Growers Co-operative Society, Ltd , Rajampet VJ. No 13, Krishnaraja Mar-ket, Bangalore City --through the Counsel Sri P.G. Sethuramaiah, B.A , LL B., Advocate, (Gunkalpet), Bangalore City.	The Commissioner, Corporation of the City of Bangalore

Sub:- Lease of stall no 13 F Market, Bangalore-

The above appeal is posted for hearing on 9-5-1950 at 1 P.M. You are required to appear before the Court of the Minister for Public Health and Local Self-Government on the said date at 1 P.M. in his Chambers in State Secretariat, Bangalore

(T.A. Kaccai) 1/5-
for Secretary to Government,
Education & P.H. Department

Encl: 5.

Mysore Government Secretariat

No L - 2285- *Dated Bangalore* 2-5- 1956

ENDORSEMENT
[illegible]

PETITIONER

Sri Krishnamurthy
Secretary, Vodu r it Growers
Co-operative Society, Ltd , Balepet,
No 18, Krishnarajendra rket,
Bang lore City
thro' the counsel
Sri K S Seetharamaiah, B A , LL B ,
Advocate, Balepet, Bangalore City

-/VS/-

RESPONDENT

The Commissioner,
Corporation of the
City of Bang lore

Subject Lease of stall No 18 Krishnarajendra Market
Bangalore

In continuation of this office Notice No L 2243 dated 1-5-1956 posting the case for hearing befor the Minister for Public Health and Local Self-Government at 1 P on 9th May 1956 in his Chambers in the Sachivalaya, Bangalore, you are hereby informed that if you fail to appear on the said date, the case will be disposed of exparte

(L A Laccai)
for Secretary to Government,
Education & L G Departments

knr-6

COPY TO PIRSONAL ASSISTANT TO THE MINISTER FOR PUBLIC HEALTH AND L S G

GOVERNMENT OF MYSORE

No L 4929

Mysore Government Secretariat

Bangalore dated 18-6 1956

NOTICE.

PETITIONER.		RESPONDENT.
Shri Krishnamoorthy Secretary, Kadur Fruit Growers Co-Operative Society, Ltd., Rajampet, No.18, Krishnarajendra Market, Bangalore City,	Vs. -	The Commissioner, Corporation of the City of Bangalore.

THROUGH
The Counsel,
Sri K.C.Seetharamiah, B.A.,LL.B.,
Advocate,(Sunkalpet),
Bangalore City.

Subject:- Lease of Stall No.18,
Krishnarajendra Market,
Bangalore City.

In continuation of this office Notice No.L.4729 dated 16-6-1956, you are hereby informed that the above appeal will not be heard on 20-6-1956. The next date of of hearing will be intimated in due course.

(M.A.Meesai)
For Secretary to Government,
Education & L.S.G.Departments.

MMM.6/18.6.

Copy is forwarded to the Personal Assistant to the Minister for Public Health & L S G

GOVERNMENT OF MYSORE

GOVERNMENT OF MYSORE

No L 4929

Mysore Government Secretariat

Bangalore dated 18-6 1956

NOTICE

PETITIONER.

Shri Krishnamoorthy
Secretary, Kodur Fruit Growers
Co-Operative Society, Ltd ,Rajampet,
No 18, Krishnarajendra Market,
Bangalore City,

THROUGH
The Counsel,
Sri K C Seetharamiah, B A ,LL B ,
Advocate,(Sunkalpet),
Bangalore City

VS

RESPONDENT.

The Commissioner,
Corporation of the
City of Bangalore

Subject:- Lease of Stall No 18,
Krishnarajendra Market,
Bangalore City

-:-

In continuation of this office Notice No L 4729 dated 16-6-1956, you are hereby informed that the above appeal will not be heard on 20-6-1956 The next date of of hearing will be intimated in due course

(M A Meccai)
For Secretary to Government,
Education & L S G Departments

Please place this in the
HGN 6/18 Rajampet file

Mysore Government Secretariat

No L 4929

90, 9081

IC

Branch

Mysore Government Secretariat

Urgent

ON INDIA GOVERNMENT SERVICE

Sh Krishna Murthy
Secretary, Kodur Fruit Growers
Co-operative Society Ltd
Rayanpet
No 18 Krishnarajendra Mark
Bangalore Cy

GOVERNMENT OF MYSORE

Mysore Government Secretariat

No L 4729

Dated Bangalore 16 6 1956

~~ENDORSEMENT~~

NOTICE

PETITIONER

Shri Krishnamoorthy
Secretary, Kodur Fruit Growers
Co-operative Society, Ltd., Kalamrot,
No 18 Krishnarajendra Market,
Bangalore City
through the counsel
Sri K C Seetharamiah, B A, LL B
Advocate, (Cunkalpet)
Bangalore City.

RESPONDENT

The Commissioner,
Corporation of the City
of Bangalore.

-/NS/-

Subject: Lease of Stall No 18, Krishnarajendra Market, Bangalore City

The above appeal is posted for hearing on 20th June 1956 at 2 P M You are requested to appear before the Court of the Minister for Public Health and Local Self-Government on the said date in Atara Katcheri Bangalore

M A Mecca 16/6

(M A Mecca)
for Secretary to Government,
Education & L.S.G Departments.

Mysore Government Secretariat

Bangalore dated 27-8-1956

~~NOTIFICATION~~
NOTICE

~~REGISTERED~~ REGISTERED

To

Shri Krishnamoorthy,
Secretary, Kodur Fruit
Growers Co-operative Society, Ltd.,
Rajampet, No 18, Sri Krishnarajendra -/VS/-
Market, Bangalore City

through
The Counsel
Sri V. Seetaramiah, B.A., LL.B.,
Advocate, (Sunkalpet)
Bangalore City

The Commissioner
Corporation of the
City of Bangalore

Subject: Lease of stall No.18 Krishnarajendra Market
Bangalore City
-:-

In continuation of this office letter No. L 4029 dated 18th June 1956, you are hereby informed that the above appeal will be heard on Monday the 3rd September 1956 at 1 P.M. You are requested to appear before the court of the Minister for Public Health and Local Self-Government on the said date in Atara Kacheri, Bangalore.

(P Lonnappa)
For Secretary to Government,
Education & L.S.G.Department

OFFICE OF THE MINISTER FOR
PUBLIC HEALTH LOCAL SELF
GOVERNMENT
8 SEP 1958
No.

Before Mr Minister for Local Self Gt
re ungazetted Bills

Pet - L 2285

Petitioners Secretary
Kirikiri Fruit Growers
Co op Society
Ltd -

vs

Corporation parks or
Bills -

Memo

- have received file relevant
exhibits obtained from Minister
Representations for March 5th
1958
Bills

Lee Summary
Adv For Petrs

Municipality

RECEIPT OF OTHER TAXES No (23) 6349

Date of payment 21/4/52

On behalf of the Municipality the undermentioned amount has this day been received from [illegible]

Address [illegible]

Ref to demand and collection register	Particulars of payment (In case of a tax state the period for which it is due)	Amount R a. p.
	OFFICE OF THE [illegible] PUBLIC [illegible] SELF [illegible] 8 [illegible] No.	1 10
	Total	

Amount received (in words) [illegible]

Signature of the Collector
of receipt is for a tax

Signature of President

WL 05 14—GIPE—5/000 bks of 50 shts each—17 6 52

GOVERNMENT OF MYSORE

Mysore Government Secretariat

No L 9426-27 *Dated Bangalore* 4 - 9 — 1956

ENDORSEMENT

NOTICE

PETITIONER

Shri Krishnamoorthy,
Secretary, Kodur Fruit
Growers Co-operative Society, Ltd.,
Rajampet, No 18, Sri Krishnarajendra
Market, Bangalore City

through
The Counsel
Sri K C Seetaramiah
Advocate (Sunkalpet.
Bangalore City

-/VS/-

RESPONDENT

The Commissioner,
Corporation of the C.
of Bangalore,
Bangalore

= = = = =

Subject Lease of stall No 18 Krishnarajendra Market Bangalore City

- - -

In continuation of this office letter No L 8956-57 dated 27th August 1956, you are hereby informed that the above appeal is adjourned to Tuesday the 11th September 1956 at 2 P M you are requested to appear before the court of the Minister for Public Health and Local Self-Government on the said date x in the Atarakacheri, Bangalore

(P. Nonnappa)
For Secretary to Government,
Education & L S G Departments

knr-6

Proceedings of the Go[illegible]

Read - Appeal petition dated 11-5-1955 from Sri Krishnamurthy, Secretary, Kodur Fruit Growers Co-operative Society, Ltd , Pajampet, No 18, Krishnarajendra Market, Bangalore City, through his Counsel Sri K V Sitaramiah, B A ,LL B ,Advocate(Sunkalpet) Bangalore City, appealing against the orders of the Commissioner, Corporation of the City of Bangalore, regarding disposal of the shop premises No 18,Krishnarajendra Market, Bangalore City

a)Correspondence ending with letter No A3 Pr 386/55-56 dated 27-1-1956, from the Commissioner, Corporation of the City of Bangalore, forwarding a report in the matter and stating that the license of the shop No 18 standing in the name of the Kodur Co-operative Society has been cancelled and the party evicted as per provisions of Section 313(2)of the Corporation Act

CHIEF OFFICE B374-77/CR 4-55-144

Dated, Bangalore, the 20 ~~Nov~~ Dec 1956

The petitioner was the tenant of stall No 18, Krishnarajendra Market, Bangalore, and was paying the fees to the Municipality, for the use of the above stall The records disclose that the Secretary of the said Society orally informed the Market Superintendent on 20-2-1955 that they had closed their concern in Bangalore and that they had no connection with the stall No 18 where they were doing business before One Sri Muniyappa was found doing business in the shop unauthorisedly without the permission of the Municipal authorities removing the board "Kodur Fruit Co-operative Society" Show-cause notice was issued

...ri Muniyappa
ard no reply was received from trem Further the
petitioner Society, was also a defaulter in not pay
ing license fee amounting to Rs 197-4-0 for the perio
from November 1954 to Febru ry 1955 As the Society
was not doing any business ard had sub-let the stall
unauthorisedly to one Sri Muniyappa ard as he was a
defaulter, the Commissioner, cancelled the license
in the name of the Society under Section 313(2) of
the Corporation Act and notified the vacancy The
unauthorised occupant was evicted on 28-4-1955 and
the stall was allotted after due formalities to one
Smt Girija Rudriah who executed a fresh lease deed and
she has occupied the stall on 2-5-1955

The contention of the petitioner Society that the
were not in arrears of fees, that their ex-employees
were permitted to carry on the business on behalf of
the Society and th t they had never at any time sub-
the stall cannot be accepted in view of the fact tha
they have stated in reply to the notice issued by
the Corporation that they were not properly function
ing their business ard that they intended to revive
their concern shortly at Bangalore and that in case
they failed in their object of its revival which wou
be known in a couple of months, they would at once
intimate and hand over the buildings

It is quite evident that the Society was not
doing any business and had sub-let the stall ~~monthly~~
~~yearly~~ without the permission to one Sri Muniyappa
who cannot be recognised as their agent As the
terms of the license were violated by the petitioner
Society, the Commissioner has rightly taken action

o cancel the license and evict the unauthorised occupant under Section 313(2) of the Corporation ct As the stall has been allotted to another person after observing the formalities and as the new licensee is in possession of the stall since 2-5-1955, this is not a fit case to reverse the order of the Commissioner, Corporation of the City of Bangalore The petition is therefore rejected The petitioner society may be allotted another stall in preference to others when a vacancy arises in future

Secretary to Government,
L S G & Public Health Departments

TO

The Commissioner, C C B thro' the Mayor (with records)
The Controller, S A D
The Auditor C C B

HG/dit 16 11

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

R e a d :-

Appeal petition dated 11-5-1955 from Sri Krishnamurthy, Secret Kodur Fruit Growers Co-operative Society, Ltd , Rajampet, No 18, Krishnarajendra Market, Bangalore City, through his Counsel Sri K C Sitaramiah, B A , LL B , Advocate (Gunkalpet), Bangalore City, appealing against the orders of the Commissioner, Corporation of the City of Bangalore, regarding disposal of the shop premises No 18, Krishnarajendra Market, Bangalore City

2 Correspondence ending with letter No A3 Pr,386/55-56 dated 27-1-1956 from the Commissioner, Corporation of the City of Bangalore, forwarding a report in the matter and stating that the license of the shop No 18 standing in the name of the Kodur Co-operative Society has been cancelled and the party evicted as per provisions of Section 313(2) of the Corporati Act

ORDER NO L \3374-77 /CM 4-55-244

Dated, Bangalore, the 20-12-58

The petitioner was the tenant of stall No 18, Krishnarajendra Market Bangalore, and was paying the fees to the Municipality, for the use of the above stall The records disclose that the Secretary of the above said Society orally informed the Market Superintendent on 20-2-1955 that they had closed their concern in Bangalore and that they had no connection with the Stall No 18 where they were doing business before One Sri Muniyappa was found doing business in the shop unauthorisedly without the permission of the Municipal authorities removing the board 'Kodur Fruit Co-Operative Society " Show-cause Notice was issued to the Society authorities and also to Sri Muniyappa and no reply was received from them Further the petitioner Society, was also a defaulter in not paying license fee amounting to Rs 197-4-0 for the period from November 1954 to February 1955 As the Society was not doing any business and had sub-let the stall unauthorisedly to one Sri Muniyappa and as he was a defaulter, the Commissioner, cancelled the license in the name of the Society under section 313(2) of the Corporation Act and notified the vacancy The unauthorised occupant was evicted on 28-4-1955 and the stall was allotted after due formalities to one Smt Girija Pudriah who executed a fresh lease

pre deed and she has occupied the stall on 2-5-1955

The contention of the petitioner Society that they were not in arrears of fees, that their ex-employees were permitted to carry on the business on behalf of the Society and that they had never at any time sub-let the stall cannot be accepted in view of the fact that they have stated in reply to the notice issued by the Corporation that they were not properly functioning their business and that they intended to revive their concern shortly at Bangalore and that in case they failed in their object of its revival which would be known in a couple of months, they would at once intimate and hand over the buildings

It is quite evident that the Society was not doing any business and had sub-let the stall without the permission to one Sri Muniyappa who cannot be recognised as their agent As the terms of the license were violated by the Petitioner Society, the Commissioner has rightly taken action to cancel the license and evict the unauthorised occupant under section 313(2) of the Corporation Act As the stall has been allotted to anohter person after observing the formalities and as the new licensee is in possession of the stall since 2-5-1955, this is not a fit case to reverse the order of the Commissioner, Corporation of the City of Bangalore, The petition is therefore rejected The Petitioner Society may be allotted another stall in preference to others when a vacancy arises in future

(B R VERMA)
for Secretary to Government,
L S G & Public Health Departments

To

The Commissioner Corporation of the City of Bangalore through the Mayor (with records)
The Secretary, Kolar Fruit Growers Co-operative Society Ltd , through his Counsel Sri K C Sitaramiah, B A , LL B , Advocate, Sunkalpet, Bangalore City
The Controller, State Accounts Department, Bangalore
The Auditor, Corporation of the City of Bangalore

bws 414 12 (7)

The report of the Commissioner dated 8-8-55 gives the facts of the case in detail From the records, it is seen that the Society was the defaulter to the extent of Rs 197-4-0 towards rent and light charges vide a notice issued to/the President of Kodur Co-Operative Society vide page 7 of the file, flag "K" The Society has sent a reply on 26-4-55, stating as follows

" It is a fact that of-late we are not/properly functioning our business owing to circumstances which we need not enter here

we intend to review our concern shortly at Bangalore and in case we fail in our object of its revival which will be known in a couple of months we will at once intimate you and hand you over the buildings as desired by you'

And thus it was clear that Kodur Co-Operative Society had closed their business and one Muniyappa was the unauthorised occupant of the Stall The action of the Corporation Authorities evicting him and re-alloting to one Srimathi Girija Rudraiah is in order But the order is defective because the period of lease has not been mentioned in the order The Commissioner will have to be instructed under Section 48(b) of the Corpn Act to fix the lease period within one month positively

pl type on the manner